

# CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA



## NEWSLETTER

ISSUE No. 34  
JUNE 2007

### NEW BOARD MEMBER

We are pleased to welcome to the Board **Dr. Deed Harrison** who was appointed to the CPBN on June 11, 2007. Dr. Harrison was licensed in 1997 and practices in Elko, Nevada. He is Vice President of CBP Nonprofit, Inc., (A Research Foundation) and a lecturer for CBP Technique Seminars. He has co-authored several books and numerous columns and articles. Dr. Harrison replaces former Member Dr. Don Miner.

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### ATTENTION: DCs and CAs -- IMPORTANT STATUTORY CHANGES

#### Important Changes in License Renewal Requirements

There are no changes to the renewal requirements for 2008 licenses and certificates, however, the requirements beginning with 2009 renewals have been significantly changed.

ALL RENEWALS WILL BE BIENNIAL. This means that on or before December 31, 2008 you will be required to pay the renewal fee for two years (2009 and 2010), (double the fee for one year). You will not have to renew again until the end of 2010 for the years 2011 and 2012. This applies to all DCs and CAs.

FOR DCs ONLY: The required continuing education hours are still 12 for 2008 renewal, however, the number of hours has been increased from 12 to 18, which means that to renew for the 2009-10 biennial period, you will be required to have attended 36 hours by December 31, 2008. If you attend more than 12 hours this year (2007), the additional hours may be applied to the 36 hours required for your 2009-10 renewal. *(The increase is the result of a survey of CE renewal requirements of all states. The national average is 18 hours annually.)*

There were several other statutory changes that have no direct effect on active DCs or CAs. A new provision was added to establish clearly defined requirements for reinstatement of a lapsed license, and a provision that required that Board Orders which limited, suspended or revoked a license be filed with the respective county recorder was deleted.

*The CPBN wishes to express its appreciation to Lobbyist, Susan Fisher, who worked harder than ever this session to steer the Board's bill through the convoluted Legislative proceedings.*

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### REGULATION CHANGES

The Board is currently working on revisions to Nevada Administrative Code 634 and solicits your input. This matter will appear on the next several meeting agendas. A Public Workshop will be noticed, and a Public Hearing will be held sometime in the Fall. The next meeting is scheduled to be held on July 13 & 14 in Las Vegas in Room 4401 of the Grant Sawyer State Office Building at 555 E. Washington St. Anyone may attend and your input is welcome.

Meeting agendas are posted on the Board's website at least 3 working days in advance. If you are unable to attend you may submit your suggestions for regulation changes in writing to be the Board by U.S. mail, e-mail or fax.

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*The CPBN has authority only over its licensees and certificate holders. The Board enforces Nevada Revised Statute and Nevada Administrative Code 634 with funding for all of its activities derived solely from the monies collected from licensees and certificate holders. The Board has no authority to take action on issues that are of an employment nature, or those that generally relate to the chiropractic profession. These matters should be addressed by the Nevada Labor Commission, the professional association or other such entities.*



## NEW DC LICENSEES AND CHIROPRACTOR'S ASSISTANTS

CONGRATULATIONS to the following Doctors of Chiropractic who passed the test for licensure on November 8, 2006:

**Karri Cardinal-Barr, DC**  
**John P. Curletto, DC**  
**Eric J. Homa, DC**  
**Steven R. Lampe, DC**  
**Lee T. Nguyen, DC**

**Tikisa Primes, DC**  
**Peter Randall, DC**  
**R. King Rollins, DC**  
**Aaron Smith, DC**  
**Michael R. Taylor, DC**

on February 14, 2007:

**Michelle Bean, DC**  
**Lisa R. Berger, DC**  
**James A. Davis, DC**  
**Elizabeth Farrell, DC**  
**John G. Florendo, DC**  
**Aric Gomez, DC**  
**Kiet Huynh, DC**  
**Saundra Namimatsu, DC**  
**Jared L. Norman, DC**

**Michelle Perl, DC**  
**Stewart M. Quigley, DC**  
**Joshua A. Satterlee, DC**  
**Vincenzo Sinatra, DC**  
**Michael Sobran, DC**  
**Chie Uekihara, DC**  
**Barbara Van Hise, DC**  
**Jonathan W. Wise, DC**

and on May 9, 2007:

**Joseph Cozza, DC**  
**Lisa Devlin, DC**  
**John Howell, DC**  
**Ralph Ianacone, DC**

**Daniel Schlenger, DC**  
**Kenneth Swegman, DC**  
**Vanessa Wanlass, DC**

CONGRATULATIONS ALSO to those who passed:

the CA test on February 2, 2007:

**Maribel Cervantes**  
**Eric Otto**  
**Elda Vasquez**

and the CA test on February 16, 2007:

**Dawn Atwood**  
**Davidace Devine**  
**Katie Diaz**  
**Jody Hutt**  
**Monique Jones**  
**Melissa Oman**  
**Shari Page**  
**Melanie Stacey**  
**Dawn Thomas**

the CA for Massage test on February 2, 2007:

**Kelly Bledsoe**  
**Katheryn Brown**  
**Emily Campbell**

The next examinations for DC licensure will be administered in Reno on August 8, 2007, November 14, 2007, February 13, 2008 and May 14, 2008. The deadline to apply is 60 days in advance.

The next examinations for Chiropractor's Assistants and Chiropractor's Assistants for Massage certification will be administered in Reno and Las Vegas on August 24, 2007. Candidates must be registered with the Board with a complete application on file.

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### ATTEND A CPBN MEETING

Board meetings are open to the public and members of the profession are encouraged to attend. The next Board meeting will be held in Las Vegas on July 13-14, 2007.



**HOW TO CONTACT THE BOARD:**  
**Chiropractic Physicians' Board of Nevada**  
4600 Kietzke Lane, Suite M245  
Reno, Nevada 89502-5003  
Telephone: 775-688-1921  
Voice Mail: 775-688-1919  
Facsimile: 775-688-1920  
e-mail: [chirobd@chirobd.nv.gov](mailto:chirobd@chirobd.nv.gov)  
Website: [chirobd.nv.gov](http://chirobd.nv.gov)

**LAS VEGAS**  
President: Stephanie Youngblood, DC  
Vice President: Margaret Colucci, DC  
Secretary: Ian Yamane, DC  
Consumer Member: Richard P. McCann, J.D.  
**RENO**  
Curtis Potts, DC  
  
Executive Director: Cindy Wade

## **DISPOSITION OF COMPLAINTS**

**Complaint 00-15** This billing dispute complaint was dismissed because there was not enough evidence to substantiate it.

**Complaint 00-17** This complaint was filed because of a personal injury case in which the attorney failed to pay the DC. The attorney was disciplined by the State Bar and the DC was not at fault. The complaint was dismissed.

**Complaint 01-1** This complaint was filed because a DC failed to respond to a request for patient records. The records were eventually provided and the complaint was dismissed.

**Complaint 2-25** The complainant withdrew this complaint, therefore, it was dismissed.

**Complaint 06-16** A patient complained that a DC told him a follow-up exam must be performed if the patient had not been in for three months because it was "required by state regulation." The DC stated he told the patient that this was his policy. The complaint was dismissed with a letter of

instruction to the doctor that there is no such state regulation.

**Complaint 02-13** The complainant claims that this was not intended to be an official complaint, but was filed as a matter of concern. Since filing the complaint he has relocated out of the country. The Board dismissed the complaint.

**Complaint 04-29, 04-30, 04-31 and 04-32** These complaints are all the same, filed by different individuals in response to complaints filed against them. Upon investigation they were found to be retaliatory in timing and nature and without merit, and were dismissed.

**Complaint 06-15** The complainant in this case objected to the amount he was charged, although the DC did refund \$25, and the unprofessional manner in which the doctor conducted himself, neither of which is a violation. The Board dismissed the complaint.

**Complaint 06-23** A patient filed this complaint because she did not think she should have to pay for all of the charges for her x-rays. There was no violation

and the complaint was dismissed.

**Complaint 06-28** A personal injury patient claimed a DC forged his signature on the lien and that his worker's comp carrier should have been billed for the outstanding balance. The forgery issue is a civil matter. The patient signed a financial responsibility statement which makes a lien irrelevant, therefore, the Board dismissed the complaint.

**Complaint 06-27** A patient complained that she was not informed in advance that she would be charged extra for traction therapy. The DC refunded \$30.00 and the patient is satisfied that this is an agreeable resolution of the matter. The complaint was dismissed.

**Complaint 06-24** This complaint was filed against a licensee for late registration of several CAs. The DC claims that these oversights were the fault of his Office Manager, but has expressed remorse and asserts that he will personally oversee this process in his office from now on. This complaint was dismissed with a letter of public instruction to be issued to the DC.



**Complaint 07-06** The patient was happy with a set of orthotics and ordered a second set. He later became dissatisfied with them and complained because he wanted a refund. Upon notice from the Board of the complaint, the DC refunded \$530 and the patient withdrew the complaint, therefore, it was dismissed.

## **DISCIPLINARY ACTIONS**

### **Todd Dreitzler, DC, License No. B629 - Effective April 13, 2007**

On April 13, 2007 Dr. Dreitzler entered into an Agreed Settlement of Disciplinary Action and Order to resolve the issues of a Complaint alleging his involvement in the unprofessional conduct of Drs. Aaron and Kenneth Fust.

Dr. Dreitzler, whose license was automatically suspended for non-renewal on January 1, 2006, shall pay a \$2,500 fine and reimburse the Board's costs within 90 days. He shall not be able to apply to the Board for reinstatement of his chiropractic license until the fine and Board's costs are paid and he has passed the National Board Ethics examination.

### **Aaron Fust, DC, License No. B723 - Effective April 13, 2007**

On April 13, 2007 Dr. Aaron Fust entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), Unprofessional Conduct, for failure to accurately comply with NRS 629.051 relating to health care records retention, and violations of NRS 616C490(2)(b) and NRS 616C.110(1)(a)(i)(2) for failure to timely notify the Division of Industrial Relations of a rating physician's inability to evaluate a permanent partial disability patient.

Dr. Fust shall serve a three-month suspension and two-year probation, both commencing on April 13, 2007. He shall pay a \$10,000 fine and reimburse the Board's costs within 90 days, and reimburse the Board for the hiring of a Board appointed Compliance Officer to monitor his practice and file written quarterly reports during the probationary period. He shall attend 12 hours of continuing education in Ethics and/or Management within one year, and take and pass the CPBN Law Test by June 30, 2007.

### **Kenneth Fust, DC, License No. B631 - Effective April 13, 2007**

On April 13, 2007 Dr. Kenneth Fust entered into

an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), Unprofessional Conduct, for failure to accurately comply with NRS 629.051 relating to health care records retention, and violations of NRS 616C490(2)(b) and NRS 616C.110(1)(a)(i)(2) for failure to timely notify the Division of Industrial Relations of a rating physician's inability to evaluate a permanent partial disability patient.

Dr. Fust shall serve a three-month suspension and two-year probation, both commencing on April 13, 2007. He shall pay a \$10,000 fine and reimburse the Board's costs within 90 days, and reimburse the Board for the hiring of a Board appointed Compliance Officer to monitor his practice and file written quarterly reports during the probationary period. He shall attend 12 hours of continuing education in Ethics and/or Management within one year, and take and pass the CPBN Law Test by June 30, 2007.

### **Mitchell B. Kane, DC, License No. B781 - Effective June 1, 2007**

On June 1, 2007 Dr. Mitchell B. Kane entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted guilt for engaging in unprofessional conduct as precluded by NRS 634.018(14) and NAC 634.430(4)(a) by utilizing the services of a person who was remunerated for referring to Dr. Kane new patients who had been involved in motor vehicle accidents.

Dr. Kane shall pay a \$10,000 fine within 60 days, and reimburse the Board in the amount of \$17,582.22 for its costs in this matter within 30 days. Dr. Kane's chiropractic license was suspended for one month beginning June 1, 2007, after which he will be on probation for three years. During the three year probationary period Dr. Kane's practice will be monitored by a Board-appointed compliance monitor, the cost of which will be borne by Dr. Kane. Dr. Kane will also take and pass the National Chiropractic Board Ethics and Boundaries Examination and the Nevada Law Test within one year.

### **James T. Overland, Jr., DC, License No. B526 - Effective May 29, 2007**

On May 11, 2007 Dr. James T. Overland, Jr., agreed to an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violation of unprofessional conduct under NRS 634.018(11), including NAC 634.435(1) by failure to keep clear, complete and accurate patient records, and NAC 634.430(1)(h) by failing to provide patient records upon request.



## **DISCIPLINARY ACTIONS (Cont'd)**

### **James T. Overland, Jr., DC, License No. B526 - Effective May 29, 2007 (Cont'd)**

Dr. Overland agreed to pay a \$10,000 fine by August 12, 2007 and to reimburse the Board in the amount of \$42,006.38 for its costs in this matter, \$21,003.19 of which shall be paid by August 12, 2007 and the balance to be paid in the amount of \$1,666.66 monthly beginning September 12, 2007 until paid in full. Dr. Overland agreed to the suspension of his chiropractic license for one year beginning August 12, 2007; if the fines and costs have not been paid in full at the end of the one year period ending August 12, 2008, the suspension will continue until the fine and costs are paid in full. Following the end of Dr. Overland's suspension, he agreed to be placed on probation for three years during which his practice will be monitored by a Board-appointed compliance monitor, the cost of which will be borne by Dr. Overland. Dr. Overland agreed to take and pass the National Chiropractic Board of Examiners Ethics and Boundaries Examination and attend twelve hours of continuing education on the subject of record keeping within one year of the effective date of the Agreed Settlement.

### **Craig Roelofs, DC, License No. B882 - Effective March 1, 2007**

On February 24, 2007 Dr. Craig Roelofs, entered into an Agreed Settlement of Disciplinary Action and Order in which he admitted to guilt as to the violations of unprofessional conduct under NRS 634.018(11) for practicing chiropractic while his license was suspended, failing to timely renew his license to practice chiropractic under NRS 634.130(2), failing to timely attend a 12-hour course of continuing education under NRS 634.130(3), providing false information to the Board with respect to the date he attained his continuing education hours and failing to produce patient records upon lawful request under NAC 634.430(1)(h), and failing to maintain minimum standards of record keeping under NAC 634.435(1); and violation of unprofessional conduct under NRS 634.018(10) for paying his renewal and reinstatement fees by means of checks not supported by sufficient funds under NRS 634.130(2).

Dr. Roelofs will be on probation for two years beginning March 1, 2007 during which he will be monitored by a Compliance Officer who will report

quarterly to the Board. Dr. Roelofs will reimburse the Board for all investigatory, attorney, compliance monitoring and other Board costs in this matter in an amount not to exceed \$5,000. Dr. Roelofs will pay a fine totaling \$12,000 at the rate of \$500 per month for 24 months. Dr. Roelofs is required to pass the Board's chiropractic law test by June 30, 2007. Dr. Roelofs will attend on-line continuing education courses on the subjects of ethics, boundaries and/or record keeping at the rate of two hours each month during the probationary period in addition to the 12 hours required annually for license renewal.

## **YOU NEED TO KNOW**

**It is unprofessional conduct to pay or compensate any person or entity for a new patient who has been involved in a motor vehicle accident or work injury. In other words, you cannot compensate anybody in whatever form on a per patient basis.**

### **NAC 634.430 : Unprofessional conduct:**

1. As used in subsection 10 of NRS 634.018, the Board will interpret the phrase 'conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public' to include, without limitation:  
.....(e) Participating in any verbal or written arrangement that involves capping or fee splitting. . . .
2. As used in this section: (a) 'Capping' means the use by a licensee of the services of a person who is remunerated for referring to the licensee a new patient who has been involved in a motor vehicle accident or who has been injured as a result of the actions of another person."



## CONTINUING EDUCATION SEMINARS

The following is a list of Board approved seminars available in Nevada through December 31, 2007:

NV08-177	07/06/07	07/09/07	2007 Neurology Diplomate Program for Chiropractors - (CIGS) - Module: (EDX III)	25	Las Vegas, NV
NV08-022	07/14/07	07/15/07	Pettibon Technique Seminar - (PIPA)	12	Las Vegas, NV
NV08-070	08/11/07	08/12/07	Whiplash & Brain Injury Traumatology 2007 (Module 3) - (SCUHS)	60	Las Vegas, NV
NV08-022	08/11/07	08/12/07	Pettibon Technique Seminar - (PIPA)	12	Las Vegas, NV
NV08-070	09/08/07	09/09/07	Whiplash & Brain Injury Traumatology 2007 (Module 4) - (SCUHS)	60	Las Vegas, NV
NV08-022	09/15/07	09/16/07	Pettibon Technique Seminar - (PIPA)	12	Las Vegas, NV
NV08-133	10/06/07	10/07/07	Graston Technique (Module I II) - (NYCC)	12	Las Vegas, NV
NV08-132	10/06/07	10/07/07	Graston Technique (Module I) - (NYCC)	12	Las Vegas, NV
NV08-185	11/03/07	11/04/07	Graston Technique - Module III Sports:Treatment/Rehab Methods - (NYCC)	12	Las Vegas, NV
NV08-090	11/10/07	11/11/07	Laserology - (LCC)	12	Las Vegas, NV
NV08-212	07/19/07	07/19/07	Clinical Evidence Based Practice of Chiropractic All In One Day with 4 hours of Technique - (Triad)	12	Lake Tahoe, CA
NV08-068	08/18/07	08/19/07	Scoring in on Sports - (SCUHS)	12	Reno, NV
NV08-212	12/13/07	12/13/07	Clinical Evidence Based Practice of Chiropractic All In One Day with 4 hours of Technique - (Triad)	12	Lake Tahoe, CA

There are numerous Board approved on-line seminars available throughout the year. The list may be viewed at the CPBN website: [chirobd.nv.gov](http://chirobd.nv.gov).

**ALL SEMINARS INTENDED FOR 2008 LICENSE RENEWAL CREDIT MUST BE ATTENDED ON OR BEFORE DECEMBER 31, 2007 AND MUST BE PRE-APPROVED BY THE BOARD.**